

NO. PD-0792-17

STATE OF TEXAS	§	IN THE COURT OF CRIMINAL APPEALS
	§	COURT OF CRIMINAL APPEALS
V.	§	11/20/2017
	§	DEANA WILLIAMSON, CLERK
AMANDA WATERS	§	OF TEXAS

STATE'S FIRST MOTION TO EXTEND TIME TO FILE
BRIEF ON THE MERITS OF PETITION FOR DISCRETIONARY REVIEW

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes the State of Texas, Appellant, in the above styled and numbered cause and moves this Court to grant an extension of time to file the State's Petition for Discretionary Review, pursuant to Texas Rules of Appellate Procedure 68.2(c) and 10.5(b), and for good cause shows the following:

1. On June 29, 2016, the judge in Wichita County's County Court at Law No. 2 granted Amanda Waters', Appellee, Application for Writ of Habeas Corpus, preventing the State from prosecuting Appellee in cause 68,878-F under the theory of collateral estoppel. Appellee is not incarcerated in this cause.
2. On July 14, 2016, the State filed a Notice of Appeal.
3. On July 7, 2017 the Court of Appeals, Second District issued its judgment in The State of Texas v. Amanda Waters, cause number 02-16-00274-CR.
4. No motion for rehearing or en banc reconsideration was filed.
5. The State filed its Petition for Discretionary Review September 6, 2017.

6. On October 25, 2017, this Court granted the State's Petition for Discretionary Review.
7. The State's Brief on the Merits is due Monday, November 27, 2017.
8. This is the State's first request for an extension of time. In support of good cause for the extension, the State shows the following:
 - a. On October 18, 2017, I filed a brief in the Second Court of Appeals in cause 02-17-00173-CR regarding one count of Evading Arrest with a Previous Conviction;
 - b. I was out of the office on a pre-scheduled vacation Monday and Tuesday of November 6 and 7, 2017;
 - c. On November 10, 2017, I filed a brief in the Second Court of Appeals in cause 02-17-00095-CR regarding two counts of Aggravated Sexual Assault of a Child and four counts of Indecency with a Child by Contact;
 - d. The Wichita County District Attorney's Office is closed the following dates: November 10, 2017, November 23, 2017, and November 24, 2017; and,
 - e. I am currently working on other habeas corpus issues on remand from this Court, responding to miscellaneous post-conviction pro se motions, and am assisting other Assistant District Attorneys with hearings and trial.

9. Appellee does not oppose the State's First Motion to Extend Time to File Brief on the Merits of Petition for Discretionary Review.

10. The State respectfully requests a twenty-five day extension to prepare its brief.

It is therefore requested that the time for filing a petition for discretionary review be extended twenty-five days to Friday, December 22, 2017.

Respectfully Submitted,

/s/ Jennifer Ponder

Assistant Criminal District Attorney

Wichita County, Texas

State Bar No. 24083676

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CERTIFICATE OF CONFERENCE

I, Jennifer Ponder, certify that on November 20, 2017, I discussed this Motion with Scott Stillson, attorney for Appellee, and he indicated that he does not oppose State's First Motion to Extend Time to a File Petition for Discretionary Review.

/s/ Jennifer Ponder

CERTIFICATE OF SERVICE

I, Jennifer Ponder, certify that on November 20, 2017, I served a copy of State's First Motion to Extend Time to File a Petition for Discretionary Review on the parties listed below by electronic service and that the electronic transmission was reported as complete. My e-mail address is jennifer.ponder@co.wichita.tx.us.

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/s/ Jennifer Ponder